

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

KATHLEEN BRITT, individually and	)	
As the Surviving Parent of JASON	)	
BRITT, and as Personal Representative	)	
On behalf of JASON BRITT,	)	
Deceased,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 6:23-CV-3316
	)	
AGAPE BAPTIST CHURCH, INC.,	)	
et. al.	)	
	)	
Defendants.	)	

**DEFENDANT CEDAR COUNTY, MISSOURI'S MOTION TO DISMISS  
PLAINTIFF'S FOURTH AMENDED COMPLAINT**

Defendant Cedar County, Missouri, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, respectfully moves this Court for an Order dismissing Counts IV, VIII and X of Plaintiff's Third Amended Complaint (Doc. 132) for the reasons that Plaintiff's claims are barred by the applicable statute of limitations, Plaintiff has failed to state a claim upon which relief may be granted, Cedar County is entitled to dismissal under the public duty doctrine, and this Court previously dismissed certain counts. In support thereof, Cedar County states as follows:

1. Defendant Cedar County is entitled to sovereign immunity on the negligent hiring, supervision, retention, and failure to warn claim against it in Count V.
2. The claims in Count V against Defendant Cedar County are also barred by the public duty doctrine.

3. Count VIII is barred by the applicable statute of limitations and because it fails to allege sufficient facts against Cedar County to satisfy the elements of the alleged 42 U.S.C. § 1983 claim. This Count is also barred by the public duty doctrine.

4. Count IX is barred because it has previously been dismissed by this Court, and because it fails to state a claim against Cedar County. Even if it did, the claims against Cedar County in Count IX would be barred by sovereign immunity and/or the public duty doctrine.

5. Pursuant to Local Rule 7(a) and in support of this Motion, Cedar County has set forth the arguments supporting this Motion to Dismiss in its concurrently filed Suggestions in Support.

WHEREFORE, Defendant Cedar County, Missouri respectfully prays this Court grant its Motion to Dismiss Counts V, VIII, and IX of Plaintiff's Fourth Amended Complaint, and for any other relief this Court deems just and proper under the circumstances.

Respectfully Submitted,

SCHREIMANN, RACKERS &  
FRANCKA, L.L.C.

/s/ Ryan Bertels

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing was served upon all parties of record, via the Court's filing system on July 3, 2025.

/s/ Ryan Bertels